IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.709 OF 2005
IN
COMPANY PETITION NO.497 OF 1993

Keneseth Eliyahoo Synagogue ..Applicant.

Vs.

The Official Liquidator ..Respondents.

Mr.Suresh M. Shah for the Applicant.
Ms.K.V.Gautam, Dy.Official Liquidator present.

**CORAM : S.J. VAZIFDAR, J.**
**DATED : 17TH FEBRUARY, 2006**

**P.C. :**

Considering the facts and circumstances of this case, had the company been ordered to be wound up, the Applicant would certainly have been entitled to have an order restoring possession of the said premises.

2. Further, prima-facie, it does appear that the company is illegally in possession of the premises. However, no order of winding up has been passed as yet though winding up has been recommended by the BIFR.

3. In the circumstances, I am unable to grant prayers (a), (b) and (c) of the Company Application.

However, the Company Application is made absolute in terms of prayer (d).

4. The Applicant shall be at liberty to apply for all interim reliefs also, if so advised, in any proceedings that they may adopt against the company.

5. Liberty to take out the fresh Company Application for prayers (a), (b) and (c) in the event of the company being ordered to be wound up.

Company Application is disposed of accordingly.